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Federal Communications Commission
Office of the Secretary

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Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street NW
Washington, D. C. 20554

Re: Notice of *Ex Parte* Communication, MB Docket 13-249
Revitalization of the AM Radio Service ("Notice")

Dear Ms. Dortch:

On September 1, 2015, Francisco Montero of Fletcher, Heald & Hildreth, PLC, David Honig, President Emeritus and Senior Advisor, Multicultural Media, Telecommunications and Internet Council ("MMTC"), and James L. Winston of the National Association of Black Owned Broadcasters, met with Peter Doyle and Holly Saurer of the Federal Communications Commission ("FCC") Audio Division of the Media Bureau to discuss what we regard as the most important and effective proposal set forth in the AM Revitalization Notice: opening an application filing window for FM translators that would be limited to AM broadcast licensees. There were two meetings covering the same points; one was with Mr. Winston and the other was with Mr. Montero and Mr. Honig.

Mr. Doyle discussed a proposal being put forth under which, in lieu of an application filing window, there would be a one-time window (or pre-approved waiver) to relocate FM translators up to 250 miles. Mr. Doyle stated that the key issues to be addressed in analyzing the 250-mile proposal were (1) supply of translators, and how it has grown in recent years; (2)

Marlene H. Dortch, Secretary
Ex Parte Letter
September 2, 2015
Page 2

supply of translators in geographic locations where there is demand for them; and (3) the prices of translators. Mr. Doyle showed us two spreadsheets and a table of data from which the Media Bureau appears to have tentatively concluded that the 250-mile proposal would be beneficial to AM licensees. Inasmuch as this data is not in the public record, Mr. Honig suggested that it should be placed there for public comment because an agency must disclose data underlying its rules before, rather than after, it releases the rules (citing *NBMC v. FCC*, 791 F.2d 1016 (2d Cir. 1986)). Mr. Honig also suggested that if the Commission does not approve an AM-only translator window, it should issue a further NPRM seeking comment on the 250-mile proposal since that proposal is not a logical outgrowth of the AM-only window proposal and the public has not had notice that the Commission is considering such a resolution of the proceeding.

In their respective meetings, Mr. Winston and Mr. Montero stated that a 250 mile waiver for relocating translators could be worse than doing nothing because it creates an opportunity for larger stations to corner the market on all the remaining translators, which are already very expensive and out of the reach of smaller AM stations. It will not increase the number of translators, so bidding wars will continue, which will further drive up the prices. Instead of expanding the universe of available translators, the waiver will expand the universe of large stations with which the smaller operators will have to compete.

In accordance with Section 1.1206(b) the Commission's rules, this notice is being filed in the Commission's Electronic Comment Filing System.

Sincerely,

Francisco R. Montero